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PATENT APPLICATION

*Received
FEB 20 2002
Technology Center 2100*
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Re Application of:

David FELGER

Serial No. 09/432,811

Filed: November 4, 1999

For: METHOD OF BILLING A
PURCHASE MADE OVER A
COMPUTER NETWORK

) **HAND DELIVERY**

) Crystal Park 2 - 6th Floor

) Technology Center: 2100

) Examiner: TBA

) Attorney Docket No.: 2416.84535

REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102(d)

Commissioner for Patents
Washington, D.C. 20231

ATTN: Pinchus M. Laufer

Dear Sir:

In response to the Decision On Petition For Accelerated Examination, Applicant respectfully requests reconsideration of a Petition to Make Special that was submitted April 18, 2000, in the above-identified patent application.

Applicant respectfully submits the Declaration Of Joseph P. Curtin submitted April 18, 2000, included a statement that Applicant will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention. (See Declaration Of Joseph P. Curtin, Paragraph 5 (page 9), lines 2-4.)

Further, Applicant respectfully submits that copies of the references cited in an Information Disclosure Statement and Form PTO-1449 were submitted concurrently with the Petition To Make Special submitted April 18, 2000. Applicant has enclosed a date-stamped postcard indicating that the Patent and Trademark Office received copies of the references cited in the Information Disclosure Statement and Form PTO-1449. Nevertheless, to address the issue raised in the Decision on Petition regarding the lack of references, Applicant has enclosed a copy of the references cited in the Information Disclosure Statement and Form PTO-1449. Additionally, Applicant has enclosed for the Examiner's convenience a copy of each patent cited in a Supplemental Information Disclosure Statement and Form PTO-1449 that was submitted June 7, 2001, after the Petition To Make Special was submitted.

Lastly, Applicant respectfully submits that the Declaration of Joseph P. Curtin submitted April 18, 2000, included a detailed discussion that provided the particularity required by 37 C.F.R § 1.111(b) and (c). Specifically at page 6, lines 3-20, Applicant submitted that each of U.S. U.S. Patent No. 5,724,424 to Gifford, U.S. Patent No. 5,715,314 to Payne et al., U.S. Patent No. 4,792,968 to Katz, U.S. Patent No. 5,181,238 to Medamana et al., and U.S. Patent No. 5,023,904 to Kaplan et al. failed to disclose or suggest a method of billing a purchase made over a computer network as recited in independent claim 1 in which it is first determined whether a user passes fraud control before effecting a sale over a computer network. (See Declaration of Joseph P. Curtin, page 6, lines 3-6.)

Moreover, Applicant submitted that once the user passes fraud control (which none of U.S. U.S. Patent No. 5,724,424 to Gifford, U.S. Patent No. 5,715,314 to Payne et al., U.S. Patent No.

4,792,968 to Katz, U.S. Patent No. 5,181,238 to Medamana et al., and U.S. Patent No. 5,023,904 to Kaplan et al. disclose or suggest), information associated with a method of payment is requested from the user. (See Declaration of Joseph P. Curtin, page 6, lines 6-7.) Thus, the claimed condition of the user passing fraud control is required for the claimed step of requesting information associated with a method of payment from the user.

Further still, Applicant submitted that information associated with the method of payment is received from the user and a sale transaction is completed based on the received information associated with the method of payment. (See Declaration of Joseph P. Curtin, page 6, lines 7-9.) Both of these steps of claim 1 similarly require the claimed condition of the user passing fraud control (i.e., the first step of claim 1).

Applicant also submitted that that none of U.S. U.S. Patent No. 5,724,424 to Gifford, U.S. Patent No. 5,715,314 to Payne et al., U.S. Patent No. 4,792,968 to Katz, U.S. Patent No. 5,181,238 to Medamana et al., and U.S. Patent No. 5,023,904 to Kaplan et al. either taken alone or in combination discloses or suggests a method of billing a purchase made over a computer network, as recited in independent claim 1, in which it is first determined whether a user passes fraud control before effecting a sale over a computer network. (See Declaration of Joseph P. Curtin, page 6, lines 9-12.)

Thus, Applicant respectfully submits that the method of claim 1 requires the step of determining whether a user passes fraud control before effecting a sale over a computer network, which is not shown by any of U.S. U.S. Patent No. 5,724,424 to Gifford, U.S. Patent No. 5,715,314

to Payne et al., U.S. Patent No. 4,792,968 to Katz, U.S. Patent No. 5,181,238 to Medamana et al., and U.S. Patent No. 5,023,904 to Kaplan et al.

Moreover, Applicant also submitted that none of the other patents, which were uncovered by the pre-examination search, is any more relevant than the U.S. U.S. Patent No. 5,724,424 to Gifford, U.S. Patent No. 5,715,314 to Payne et al., U.S. Patent No. 4,792,968 to Katz, U.S. Patent No. 5,181,238 to Medamana et al., and U.S. Patent No. 5,023,904 to Kaplan et al. (See Declaration of Joseph P. Curtin, page 6, lines 13-14.)

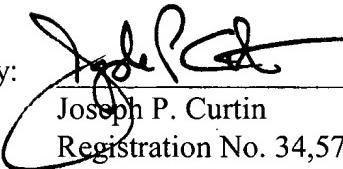
Thus, based upon the prior art of record, the present invention appears to provide a novel and non-obvious method for billing a purchase made over a computer network. (See Declaration of Joseph P. Curtin, page 6, lines 15-16.

Further still, Applicant submitted that the remaining eight patents, which were uncovered during the pre-examination search, are generally related to billing techniques for telephone calls and for purchasing products over a telephone network. It is respectfully submitted that each of the eight patents fail to disclose or suggest at least the concept of a purchase made over a computer network according to the present invention. (See Declaration of Joseph P. Curtin, page 6, lines 17-20.)

Accordingly, Applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Respectfully submitted,
BANNER & WITCOFF, LTD.

By:


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Attachment: Copy of date-stamped postcard

Date: February 20, 2002

Patent/Design

■ HAND CARRY Group/Section

Serial No. 09/432,811 B&W # 02416.84535 Atty/Sec JPC?sgs Date 4/18/00
 Inventor David Felger Client NATIONAL PSYCHIC
 Title METHOD OF BILLING A PURCHASE MADE OVER A COMPUTER NETWORK

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- total pp Spec., including : # of Claims _____
 (# of independent claims _____); Abstract
 Foreign Priority on _____ Country, Appl. # and Date
 Priority on U.S. Prov. _____ B&W# _____
 Application : CIP Continuation Divisional Parent Ser. No. _____ B&W# _____
 Provisional App _____ pp Spec/Clms; Cover Sheet
 Declaration/PoA : Executed Unexecuted
 Drawings : Formal Informal # of distinct sheets _____ : Figs. _____
 Assignment w/PTO Cover Sheet
 Small Entity Declaration
 IDS w/PTO 1449 Prior Art w/fee
 Preliminary Amendment
 Response : Missing Parts dtd _____
 Request for Expedited Foreign Filing License
 Request for Corrected Filing Receipt
- SEARCHED**
- Claim for Priority w/Priority Doc _____ Country, Appl. # and Date
 Petition for Extension til _____
 Amendment Response : OA dtd _____
 Request for Approval of Drawing Changes _____
 CPA Request w/Ext of Time : OA dtd _____
 Notice of Appeal & Fee APR 18 2001
 Brief : Appeal & Fee Reply _____
 Request for Oral Hearing _____
 Issue Fee : Allowance dtd _____
 Advance Patent Copies : # ordered _____
 Check # 150364 for \$ 130.00
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 - PETITION TO MAKE SPECIAL AND IDS
 - 3 SHEETS OF FORM PTO-1449 AND COPIES
 - OF ALL CITED PRIOR ART; EXECUTED
 - DECLARATION OF JOE CURTIN IN SUPPORT THEREOF

B&W Rev. 4/98

Serial No. 09/432,811 B&W # 02416.84535 Atty/Sec JPC?sgs Date 4/18/00
 Inventor David Felger Client NATIONAL PSYCHIC

Title METHOD OF BILLING A PURCHASE MADE OVER A COMPUTER NETWORK

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- total pp Spec., including : # of Claims _____
 (# of independent claims _____); Abstract
 Foreign Priority on _____ Country, Appl. # and Date
 Priority on U.S. Prov. _____ B&W# _____
 Application : CIP Continuation Divisional Parent Ser. No. _____ B&W# _____
 Provisional App _____ pp Spec/Clms; Cover Sheet
 Declaration/PoA : Executed Unexecuted
 Drawings : Formal Informal # of distinct sheets _____ : Figs. _____
 Assignment w/PTO Cover Sheet
 Small Entity Declaration
 IDS w/PTO 1449 Prior Art w/fee
 Preliminary Amendment
 Response : Missing Parts dtd _____
 Request for Expedited Foreign Filing License
 Request for Corrected Filing Receipt
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 - PETITION TO MAKE SPECIAL AND IDS
 - 3 SHEETS OF FORM PTO-1449 AND COPIES
 - OF ALL CITED PRIOR ART; EXECUTED
 - DECLARATION OF JOE CURTIN IN SUPPORT THEREOF

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